

REMARKS

Claims 28-46 were in the present application. However, all of these claims are now restricted out of this application except claims 35-38 and 40-42, which remain herein as elected claims, as discussed above.

Also the Specification has been amended on page 1, as indicated above, per the requirement of the present Office Action.

The Office Action rejection of claims 35 & 37 as anticipated under 35 USC 102 (e) by the Wapner et al patent, USP 6,059,001('001) is respectfully traversed. This is because the inventive subject matter that is described but not claimed in The' 001 patent, that is relevant to the claims in the present application, originated with two of the three inventors listed in such patent, Drs. Wapner & Hoffman, who are the named inventors in the present application, as set forth in a Rule 1.132 Declaration (which relates to MPEP 716.10, Example 2) by them, submitted herewith.

This means that under the above cited MPEP section, the' 001 patent cannot be cited against the present application and such patent is believe removed as a reference against it, on the grounds of same inventive entities.

The Office Action rejection of claim 36 as obvious under 35 USC 103 a) over the above '001 reference to Wapner et al. and further in view of Witzke et al, USP 5,188, 776, as applied to claim 35 above, is respectfully traversed.

The Office Action rejection of claim 38 as obvious under 35 USC 103 (a) over the above '001 reference to Wapner et al, as applied to claim 37 above, is respectfully traversed.

The Office Action rejection of claims 40-42 as obvious under 35 USC 103 a) over the above '001 reference to Wapner et al. as applied to claim 35 above and further in view of Keith et al , USP 5, 888, 436, is respectfully traversed.

The above claims 36, 38 & 40-42 are believed distinguished over the applied art, in view of their dependence from claim 35, which is believed novel thereover in view of the removal of the '001 patent, as discussed above.